

REPUBLIC OF SOUTH AFRICA

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, JOHANNESBURG**

Reportable: No  
Of Interest to other Judges: No  
4 March 2024 Vally J

**Case Number: 2021/ 27241**

In the matter between:

**GRAVITATE MULTI VIDEO CONTENT (PTY) LTD**

First Applicant

**JUSTICE KUDUMELA N.O.**

Second Applicant

and

**ABSA BANK LTD**

Respondent

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**JUDGMENT**

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Vally J

[1] This is an application for leave to appeal to the Supreme Court of Appeal (SCA) against a judgment and order I issued on 23 November 2023. The applicants herein were the first and second respondents in the main application. The judgment in the matter is comprehensive. It dealt with every relevant contention raised by them at that hearing. Nevertheless, they are aggrieved by the judgment and the order and asked that they be given an opportunity to ventilate their case in the SCA. They say that the judgment is beset by a number of misdirections which call for the attention of the SCA. The alleged misdirections are, according to them, a failure to

attend to the issue of the ESD agreement between the first applicant and the respondent and more importantly a failure to find in their favour. In my judgment the application constitutes a repetition of all the arguments they advanced at the main hearing. The relevant ones, as I say above, have been comprehensively dealt with in the judgment.

[2] Leave to appeal should not be granted simply because an applicant for leave complains that their contentions were rejected. There must be cogent substantive grounds raised that show that those contentions were correct either in fact or in law, and that their rejection was wrong to the point where it does not support the issuing of the corresponding order. This the present applicants do not do. There is thus no prospect that another court invested with the same facts as this court would come to a different conclusion.

[3] Accordingly, the following order is made:

- a. Application for leave to appeal is dismissed with costs.

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Vally J  
Gauteng High Court, Johannesburg

Date of hearing:	4 March 2024
Date of judgment:	4 March 2024
For the applicants:	Johan Fourie
Instructed by:	Saltzman Attorneys
For the respondents:	G Amm
Instructed by:	Werksmans Attorneys